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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DIRECTV, INC., a California corporation,
Plaintiff,
vs.
ALLEN PON,
Defendant.

Case No.: CV-04-04129 JL

Hon. Magistrate Judge James Larson

**REQUEST FOR VOLUNTARY DISMISSAL
OF DEFENDANT ALLEN PON;
[PROPOSED] ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action without prejudice as to Defendant ALLEN PON ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its/his own attorneys' fees and costs incurred in this action to date.

Defendant answered the Complaint on or about March 10, 2005. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant without prejudice.

Defendant ALLEN PON is the last remaining active Defendant in this action. This entire action as to all remaining claims is therefore terminated in full.

DATED: July 26, 2005

Respectfully Submitted,

BUCHALTER, NEMER, FIELDS & YOUNGER
A Professional Corporation

By: /s/ Sandeep J. Shah
Sandeep J. Shah
Attorneys for Plaintiff DIRECTV, Inc.

ORDER

Having read the foregoing Request for Voluntary Dismissal of Defendant ALLEN PON filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed without prejudice as against Defendant ALLEN PON;
2. Each party shall bear its/his own attorney's fees and costs incurred in this action to date; and
3. As Defendant ALLEN PON is the only active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: July 28, 2005

/s/ James Larson
Hon. Magistrate James Larson
United States District Court
Northern District of California